

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

TONY FOUNTAIN,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:06cv548-MHT
)	
DR. PEASANT, et al.,)	
)	
Defendants.)	

ORDER

Upon an independent and de novo review of the record,
it is ORDERED as follows:

- (1) Plaintiff's objections (doc. no. 28) are overruled.
- (2) The United States Magistrate Judge's recommendation (doc. no. 27) is adopted.
- (3) All claims against defendant Alabama Department of Corrections are dismissed prior to service of process pursuant to 28 U.S.C.A. § 1915(e)(2)(B)(i), and defendant Alabama Department of Corrections is dismissed as a party.

It is further ORDERED that this cause is referred back to the United States Magistrate Judge for further appropriate proceedings.

DONE, this the 12th day of September, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE